

REMARKS/ARGUMENTS

Reconsideration and withdrawal of the rejections of the application is respectfully requested in view of the amendments and remarks herewith, which place the application into condition for allowance. The present amendment is being made to facilitate prosecution of the application.

I. STATUS OF THE CLAIMS AND FORMAL MATTERS

Claims 1-12, 25-28 are pending. Claims 1, 10, 25 and 27 are independent. Claims 25-28 are hereby added. Support for the added claims is provided throughout the Specification as originally filed and, specifically, at page 40, line 4 to page 41, line 21 and in FIG. 9, steps SP111 and SP 112. Changes to claims are not made for the purpose of patentability within the meaning of 35 U.S.C. §101, §102, §103, or §112. Rather, these changes are made simply for clarification and to round out the scope of protection to which Applicant is entitled.

II. REJECTIONS UNDER 35 U.S.C. §103(a)

Claims 1-12 were rejected under 35 U.S.C. §103(a) as allegedly unpatentable over U.S. Patent No. 6,020,982 to Yamauchi et al. (hereinafter, merely Yamauchi) in view of U.S. Patent No. 5,590,306 to Watanabe et al. (hereinafter, merely Watanabe). Applicant respectfully traverses this rejection.

Claim 1 recites, *inter alia*:

“A terminal apparatus comprising...

judging means for judging whether the inserted memory card is copyright-protected ...”

recording means which, if said judging means judges that said first memory card is inserted prior to recording copyright-unprotected contents then the recording means temporarily records said copyright-unprotected contents to said first memory card . . (emphases added)

The Office Action asserts that Yamauchi teaches the judging means of the present application at step S3 of FIG. 39A. Applicant respectfully submits that this is a misinterpretation of Yamauchi. Yamauchi only detects if a memory card is loading when the power source is turned on. Col. 26, lines 52-56. Yamauchi does not judge nor differentiate between whether a copyright-protected memory card or a copyright-unprotected memory card is inserted as recited in claim 1.

Further, it is asserted in the Office Action that Yamauchi teaches that if the first memory card is inserted prior to recording copyright-unprotected contents then the recording means temporarily records the copyright-unprotected contents to the first memory card. The Office Action cites FIG. 105A as showing the judgment of the type of source, first or second memory card, and thereby determines what destination, first or second memory card, should the contents be recorded. Applicant submits that this is a misinterpretation of Yamauchi. FIG. 105A/B only shows allowing a user to specify the recording source and the recording destination for copying of contents. There is no suggestion that Yamauchi distinguishes between the types of media prior to specifying the source and destination. In contrast, in the present application the recording means records to the media only after judging means determines whether the source/destination media have different levels of copyright protection for the contents.

Regarding Watanabe, it is asserted in the Office Action that Watanabe discloses a system with copyright- protected (read) and copyright-unprotected (write) in FIG. 5. The write, read

and copy protection of the data cards are set to indicate if the data are protected or unprotected.

Applicant asserts that this is a misinterpretation of Watanabe.

As understood by Applicant, Watanabe has data packets with status bits indicating a status of the data in the packet (read, write-protected). The status bits only allow certain usage of the data in the packet. The Office Action seems to equate the data packet of Watanabe with the memory cards of the present application and the data status bits D3-D7 of Watanabe's FIG. 5 with the copyright-protected and copyright-unprotected media of the present application. However, the status bits of Watanabe prevent writing to a write-protected packet whereas in the present application copyright-protected data can be written to a copyright-unprotected memory card.

Also, the status bits D3-D7 of Watanabe indicate a status of the data already recorded in the data packet. Thus, Watanabe determines the status of the data in the data packet. In contrast, the present application claims judging whether the memory card, not the data on the card, is a copyright-protected medium. That is, the status of the medium determines how to record data to the memory card.

Applicant submits that Yamauchi and Watanabe, taken alone or in combination, do not teach or suggest the above-identified features of claim 1. There is no teaching or suggestion of a judging means for judging whether an inserted memory card is copyright-protected when a normal response is obtained within a predetermined period of time during an authorization process, as recited in claim 1. Therefore, Applicant submits that independent claim 1 is patentable.

For reasons similar to or somewhat similar to those described above with regard to independent claim 1, independent claim 10 is also believed to be patentable.

Therefore, Applicant submits that independent claims 1 and 10 are patentable.

III. DEPENDENT CLAIMS

The other claims are dependent from one of the independent claims, discussed above, and are therefore believed patentable for at least the same reasons. Because each dependent claim is also deemed to define an additional aspect of the invention, however, the individual reconsideration of the patentability of each on its own merits is respectfully requested.

IV. NEW CLAIMS

Independent claims 25 and 27 are being added. These claims are similar to claims 1 and 10, respectively. Claim 25 adds the feature that, “in response to an instruction to eject the first memory card, the controlling means causes erasure of the copyright-unprotected contents from the first memory card.” Claim 27 includes a substantially similar feature. Neither Yamauchi nor Watanabe discloses, teaches, or suggests erasing the copyright-unprotected contents in response to receiving an instruction to eject the first memory card.

Claims 26 and 28 depend from claims 25 and 27, respectively, and are patentable for at least the same reasons. Further, claims 26 and 28 add the additional feature that, “the controlling means, in response to the time-out signal, erases the copyright-unprotected content from the first memory card.” Neither Yamauchi nor Watanabe discloses, teaches, or suggests erasing the copyright-unprotected content in response to receiving the time-out signal.”

CONCLUSION

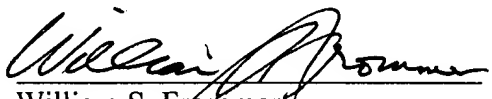
In the event the Examiner disagrees with any of statements appearing above with respect to the disclosure in the cited reference or references, it is respectfully requested that the Examiner specifically indicate those portions of the reference, or references, providing the basis for a contrary view.

Please charge any additional fees that may be needed, and credit any overpayment, to our Deposit Account No. 50-0320.

In view of the foregoing amendments and remarks, it is believed that all of the claims in this application are patentable and Applicant respectfully requests early passage to issue of the present application.

Respectfully submitted,

FROMMER LAWRENCE & HAUG LLP
Attorneys for Applicant

By: 
William S. Frommer
Reg. No. 25,506
212) 588-0800